

**Public Safety Meeting
Wednesday, March 31, 2010
5:02 P.M.
Third Floor, City Hall**

Also Present: **CM Downward**

- 2 minor changes
 - Mistake on 91.022 – double standard for spaying and neutering of recovered animals
 - Section 1 provides that section 91.022 is not necessary and was stricken

- Section 91.101 – possibility that even though it had never happened, that a person who was charged with animal cruelty and the animal was taken from them and later if the person was exonerated of the charges, that the dog could be destroyed and there would not be an animal to be returned to that person/
 - Fixed to say animals that are taken in connection to a cruelty charge will not be destroyed except upon the advice of a qualified veterinarian for humanitarian reasons until after the case is over. If the individual is found guilty, the animal will remain with Metro Animal Services
 - Number of tweaks to see that the rest of this section of the ordinance tracks with the necessary amendments to respond to the court's decision.

Further discussion included the following:

- Section 3 - Fee change to 15% per annum
- Final dismissal against the owner
- Owner responsible for fees even if cleared of any charge for cruelty cases
 - Appeals process
 - Can appeal to Metro Animal Services and the Department of Public Safety
 - Could it go to small claims court or some kind of court
 - Could appeal to Circuit Court
 - Changed from \$450 per month to \$450 total for boarding for cruelty cases
 - Fees only applies to cruelty cases
 - District Court hears the charge and decides what happens to the charge for cruelty cases
 - The Council has no authority to make something appealable to court
- If an animal is seized that is not in relation to cruelty, fee could be reduced due to income by the Metro Public Safety Director
 - Can appeal to the Courts

Motion to Amend made by Cheri Bryant Hamilton and seconded by Robert Henderson.

By voice vote, the Amendment passed. The amendment in full is attached at the end of these minutes.

This ordinance as Amended was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: David Tandy, Cheri Bryant Hamilton, Kevin Kramer, Robert Henderson, Stuart Benson, Robin Engel

Against: (None)

Abstain: (None)

Absent: Judy Green

Without objection, the meeting adjourned at 5:42 P.M.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on April 27 2010.**

KQG

ORDINANCE NO. _____ Series 2010

A ORDINANCE REPEALING § 91.022 AND AMENDING § 91.101 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES RELATING TO ANIMAL WELFARE AND CONTROL. (AS AMENDED)

**Sponsored by: Councilwoman Cheri Bryant Hamilton
and Councilman Kelly Downard**

NOW THEREFORE, BE IT ORDAINED BY THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL [THE "COUNCIL"] AS FOLLOWS:

SECTION I: LMCO § 91.022 is hereby repealed in its entirety

SECTION II: LMCO § 91.101 is hereby amended to read as follows:

§ 91.101 CONFISCATION OF VICTIMIZED ANIMAL.

(A) Any animal found involved in a violation of any portion of this section may be ~~confiscated~~ seized by any Animal Control Officer or any peace officer and held by MAS in a humane manner.

(B) Upon a hearing before a district court judge, and that judge finding probable cause for the charge, the court shall order ~~immediate forfeiture of the animal to the~~ be held or continue to be held by Metro Government ~~unless the~~ and shall further order the owner, within 24 hours of such finding, to post a cash bond with the court equal to the cost of care of the animal(s), including all estimated boarding and veterinary fees in the amount of \$450 (\$15 per day) plus all other fees, fines, and penalties imposed under this chapter for each animal, for the first 30 days of its impoundment. ~~If after 30 days, the case has not been adjudicated, the owner must post another full cash bond on the 30th day in the same amount of the original bond or equal to the cost and care of each animal for the first 30 days, whichever is greater. This same process shall be followed each 30 day period until the case has been adjudicated.~~ During the pendency of court proceedings involving charges against the owner of a victimized animal, an animal which is being held has been forfeited to seized by Metro Government under this Section (B) shall not be transferred out of the custody of MAS, nor destroyed except for humane reasons upon certification by a veterinarian that destruction is necessary.

(1) Upon a plea or finding of guilt the cash bond ~~(s)~~ shall be immediately paid to MAS. Upon final dismissal of the charge against the owner within 30 days of the bond being posted pursuant to Section (B), above, the owner shall be refunded any daily fee for the days the animal was not actually held by MAS. The owner shall also be responsible to pay all costs of care from the date of the impoundment until the time of the first hearing and the posting of the initial bond, as well as any other associated expenses not covered by the daily boarding fee(s).

Any portion of the posted bond that has not been encumbered by daily costs at the time of the pleas or finding of guilt shall be returned to the owner. Upon conviction, all animals ~~not forfeited seized~~ being held by MAS pursuant to subsection (B) herein above shall become the property of the Metro Government.

(2) Upon final dismissal of the charge against the owner, the owner shall reclaim the animal within forty-five (45) days of the dismissal or the animal shall be forfeited to MAS.

~~(2) (3) Upon a finding of innocence, any cash bond(s) posted shall be immediately returned to the owner.~~
An owner who is liable for fees or expenses pursuant to Sections (B) and (B)(1), above, may apply to the MAS Director for a full or partial abatement of such fees and expenses on the grounds of financial inability to pay, or other compelling circumstances which in the judgment of the MAS Director would be reasonable and just. The application shall be in writing and the MAS Director's decision shall be in writing. A denial by the MAS Director of an application may be appealed to the Director of the Metro Department of Public Safety within ten (10) days of the MAS Director's decision. The Director of the Metro Department of Public Safety shall hear the appeal in accordance with rules established by the Department of Public Safety for that purpose. The decision of the Director of the Metro Department of Public Safety on an appeal shall be final.

SECTION III. Appendix A to LMCO Chapter 91, Metro Animal Services Fee Schedule, shall be amended to read as attached.

SECTION IV. This ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____
Assistant County Attorney

APPENDIX A: METRO ANIMAL SERVICES FEE SCHEDULE

<i>Type of License</i>	<i>Annual Fee</i>
Altered dog, cat or ferret license	\$9.00 (or \$24.00/3yrs, only when matched to triennial rabies vaccine)
Unaltered dog, cat or ferret license	\$50.00
Transfer of pet license mid-year	\$5.00
Potentially dangerous dog license	\$250.00
Dangerous dog license	\$500.00
Boarding kennel or cattery	0-5 runs and/or cages capacity; \$30.00 6 - 25 runs and/or cages capacity; \$60.00 26 - 50 runs and/or cages capacity; \$90.00 51 - 75 runs and/or cages capacity; \$120.00 76 - 100 runs and/or cages capacity; \$150.00 101 + runs and/or cages capacity; \$180.00
Class A kennel or cattery	\$150.00 for 5 animals or less
Class B kennel or cattery	\$100.00 for 5 animals or less
Class C kennel	\$100.00
Multiple pet license	\$28.00 plus \$6.00 per animal over 4 animals
Altered dog, cat or ferret belonging to a senior citizen (owner 65 years or older, two dogs, cats or ferrets per household)	112 of the normal dog, cat or ferret license fee, as set forth above
Pet shop	\$125.00
Pet shop (selling dogs, cats or ferrets)	\$300.00
Animal dealer (not selling dogs, cats or ferrets)	\$125.00
Animal dealer (selling dogs, cats or ferrets)	\$300.00
Circus	\$125.00
Circus with elephant rides	\$200.00
Theatrical exhibition	\$125.00
Riding or boarding stable	\$125.00

<i>Type of License</i>	<i>Annual Fee</i>
Animal drawn vehicle (one license per company)	\$125.00
Wildlife permit	\$125.00
Swine permit	\$10.00
Animal welfare groups and humane organizations	\$10.00
<i>Miscellaneous</i>	<i>Fee</i>
Late fee when license is more than 30 days overdue	\$15.00 plus 15% of the license fee per month <u>annum</u> overdue
Small trap deposit	\$50.00
Large trap deposit	\$200.00
Trailer and corral charge	\$50.00 per trailer or corral used
Postage and handling for mail-in applications.	\$0.50
Bark collar deposit	\$75.00
Bark collar usage	\$15.00
Microchip	\$25.00
<i>Redemptions and Boarding</i>	<i>Fee *</i>
Licensed domestic pets	\$15.00 plus \$10.00 per day
Unlicensed domestic pets	\$30.00 plus \$10.00 per day
Quarantine domestic pets	\$40.00 plus \$15.00 per day
Quarantine dangerous or potentially dangerous dog	\$100.00 plus \$25.00 per day
Impoundment	\$25.00
Livestock-large animals	\$50.00 plus \$15.00 per day
Livestock-small animals	\$10.00 plus \$5.00 per day
* Incurred surgical, medical, diagnosis and veterinary treatment expenses must be added to redemption and boarding fees as determined by Metro Animal Services	

<i>Surgical, Medical and Veterinary Treatment</i>	
Vaccination (may be a voucher) (DHPP, FVRCP) (Rabies) (Bordetella) Parasitic examination and/or treatment (maybe a voucher) Other medical and surgical treatment and/or diagnosis	\$20.00 each \$5.00 \$10.00 \$15.00 Variable
<i>Violation Notice</i>	<i>Fee for Each Violation</i>
First violation notice	\$30.00
Second violation notice	\$60.00
Third violation notice	\$120.00
Fourth and subsequent violation notice	\$250.00
<i>Adoptions</i>	<i>As determined by Metro Animal Services</i>
Spay/neuter voucher	\$100.00 minimum
Spay/neuter rebate certificate	\$35.00